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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,070	07/08/2003	Koenraad Pringiers	610002-2000	7894

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New York, NY 10151

EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/615,070

Applicant(s)

PRINGIERS, KOENRAAD

Examiner

Russell D. Stormer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-22 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/04</u> . | 6) <input type="checkbox"/> Other: ____  |

***Information Disclosure Statement***

1. The reference to the GB-A-2104015 document in the specification fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent; and all other information or that portion which caused it to be listed. The reference was not included on the IDS filed July 8, 2003 and has not been considered.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reinforcing element forming a loop around each of the first and second end part as set forth in claim 11, and the "intermediary piece" of claim 18 must be shown or the features canceled from the claims.

**No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because of the use of the terms means and said. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: \*\*\*

The spelling of terms such as "tyre" "minimise" "fibres" "characterised" and "in stead" must be corrected.

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

There is no description of the reinforcing elements forming loops around the end parts of the track as set forth in claim 11; nor is there is description of the intermediary piece of claim 18.

Applicant should take care not to enter any new matter.

### ***Claim Objections***

6. Claims 8 and 18 are objected to because of the following informalities: In claim 8 the phrase "being aimed at" is confusing and not understood, and in claim 18 the phrase "in view of" appears to be misplaced as it is not understood.

Appropriate correction is required.

7. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. ***When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).***

Claim 15 appears to have been added, or substituted for original claim 15, in the preliminary amendment, which lists 22 claims. Only 21 claims are original.

Applicant's attention is directed to MPEP 608.01(j).

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 19, 20, 21, and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Svensson.

With respect to claim 5, note the projections 5 which are attached to the sides of the guiding wings 12.

With respect to claims 8 and 9, note the extensions of the members 16 and the recesses on the parts 18, and the sleeves 8 as shown in figure 2.

With respect to claims 11+, note the reinforcing wire 7 which loops around the sleeves 8.

With respect to claim 17, note the reinforcing elements 6.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson in view of Slemmons.

The guiding wings of Svensson are not reinforced and do not clamp the wheel.

Slemmons teaches a track for a tractor comprising a pair of guiding wings 18 reinforced by a rigid core 24 and which exert a clamping force on the wheels 12, 13.

For the guiding wings 12 of Svensson to be arranged closer to the tires 2, 4 to provide a clamping force and also be reinforced by a rigid core would have been

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obvious as taught by Slemmons in order to reduce the chances of the track coming off the wheels during use.

12. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson in view of Sinclair.

For the inner sides of the wings of Svensson to include profiles would have been obvious as taught by Sinclair (see the shape of the boss 8) in order to better interact with the tires 2, 4.

13. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson.

To substitute another material for the steel wires 7, such as an aramid fiber, would have been obvious as such substitutions are well-known in the art in order to reduce the weight of the fibers and thus the track, and because such fibers can be made stronger than steel.

To supply the track assembly with an intermediary piece would have been obvious to those of ordinary skill in order to allow the track to be used on other tractors with longer wheelbases.

#### ***Allowable Subject Matter***

14. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other track assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/3/04

  
**RUSSELL D. STORMER**  
**PRIMARY EXAMINER** 9/3/04